

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1212

Introduced by Dierks, 40

Read first time January 12, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Rural Health Systems and Professional
2 Incentives Act; to amend sections 71-3515.02 and 71-5652,
3 Reissue Revised Statutes of Nebraska, and sections
4 71-5653, 71-5662, 71-5663, and 71-5668, Revised Statutes
5 Supplement, 1998; to change provisions relating to dental
6 students and amounts of financial assistance; to
7 harmonize provisions; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3515.02, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 71-3515.02. (1) The educational program for medical
4 radiographers shall consist of twenty-four months of instruction in
5 radiography approved by the department which includes, but is not
6 limited to, radiographic procedures, imaging equipment, image
7 production and evaluation, film processing, radiation physics,
8 radiation protection, radiation biology, radiographic pathology,
9 and quality assurance activities. The department shall recognize
10 equivalent courses of instruction successfully completed by
11 individuals who are applying for licensure as medical radiographers
12 by the department when determining if the requirements of section
13 71-3515.01 have been met.

14 (2) The examination for limited radiographers shall
15 include, but not be limited to:

16 (a) Radiation protection, equipment maintenance and
17 operation, image production and evaluation, and patient care and
18 management; and

19 (b) The anatomy of, and positioning for, specific regions
20 of the human anatomy. The anatomical regions shall include at
21 least one of the following:

22 (i) Chest;

23 (ii) Extremities;

24 (iii) Skull and sinus;

25 (iv) Spine; or

26 (v) Ankle and foot.

27 (3) The department shall adopt and promulgate rules and
28 regulations regarding the examinations required in subdivisions

1 (1)(a)(ii) and (2)(a) of section 71-3515.01. Such rules and
2 regulations shall provide for (a) the administration of
3 examinations based upon national standards, such as the Examination
4 in Radiography from the American Registry of Radiologic
5 Technologists for medical radiographers, the Examination for the
6 Limited Scope of Practice in Radiography from the American Registry
7 of Radiologic Technologists for limited radiographers, or
8 equivalent examinations that, as determined by the department, meet
9 the standards for educational and psychological testing as
10 recommended by the American Psychological Association, the American
11 Educational Research Association, and the National Council on
12 Measurement in Education, (b) procedures to be followed for
13 examinations, (c) the method of grading and the passing grades for
14 such examinations, (d) security protection for questions and
15 answers, and (e) for medical radiographers, the contents of such
16 examination based on the course requirements for medical
17 radiographers prescribed in subsection (1) of this section. Any
18 costs incurred in determining the extent to which examinations meet
19 the examining standards of this subsection shall be paid by the
20 individual or organization proposing the use of such examination.

21 (4) Any person employed in medical radiography before and
22 on June 2, 1995, who is not otherwise licensed may apply for a
23 license as a provisional limited radiographer before January 1,
24 1996. A person licensed as a provisional limited radiographer may
25 perform the duties of a limited radiographer licensed in all
26 anatomical regions listed in subdivision (2)(b) of this section and
27 the anatomical region of Abdomen. A provisional limited
28 radiographer shall not radiograph children under the age of six

1 months, except (a) upon a finding by the department that continued
2 provision of service for a community would be in jeopardy if this
3 provision is enforced, (b) for an employee of a hospital licensed
4 and in good standing under Chapter 71 and located in a rural area
5 as defined in ~~subdivision (8)~~ of section 71-5653, or (c) in a bona
6 fide emergency situation. No examination shall be required of
7 individuals applying for a license as a provisional limited
8 radiographer. All provisional limited radiographer licenses expire
9 January 1, 2005. A license as a provisional limited radiographer
10 is subject to discipline for violations of the Radiation Control
11 Act and rules and regulations adopted pursuant to the act,
12 including, but not limited to, revocation for nonpayment of fees or
13 failure to meet continuing education requirements of subdivision
14 (2)(b) of section 71-3515.01.

15 (5) No applicant for a license as a limited radiographer
16 may take the examination for licensure, or for licensure for any
17 specific anatomical region, more than three times without first
18 waiting a period of one year after the last unsuccessful attempt of
19 the examination and submitting proof to the department of
20 completion of twelve units of continuing education meeting the
21 requirements of subdivision (2)(b) of section 71-3515.01 for each
22 subsequent attempt.

23 (6) The department shall adopt and promulgate rules and
24 regulations establishing fees for the implementation of this
25 section and section 71-3515.01, including an examination fee,
26 initial and renewal licensure fees for persons performing medical
27 radiography, and a fee for approval of courses of instruction. In
28 determining such fees, the department shall obtain sufficient funds

1 from the fees to pay the direct and indirect costs of administering
2 such sections. No fee shall exceed the actual cost to the
3 department for examination and licensure. The fees shall be
4 collected and remitted by the department to the State Treasurer for
5 credit to the Department of Health and Human Services Regulation
6 and Licensure Cash Fund and shall be used solely for the purpose of
7 defraying the direct and indirect costs of administering such
8 sections.

9 Sec. 2. Section 71-5652, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-5652. The purposes of the Rural Health Systems and
12 Professional Incentive Act shall be to (1) create the Nebraska
13 Rural Health Advisory Commission and establish its powers and
14 duties, (2) establish a student loan program that will provide
15 financial incentives to medical, dental, ~~students~~ and physician
16 assistant students who agree to practice their profession in a
17 designated health profession shortage area within Nebraska, and (3)
18 establish a loan repayment program that will require community
19 matching funds and will provide financial incentives to eligible
20 public health professionals who agree to practice their profession
21 in a designated health profession shortage area within Nebraska.

22 Sec. 3. Section 71-5653, Revised Statutes Supplement,
23 1998, is amended to read:

24 71-5653. For purposes of the Rural Health Systems and
25 Professional Incentive Act:

26 (1) Approved medical specialty means family practice,
27 general practice, general internal medicine, general pediatrics,
28 general surgery, obstetrics/gynecology, and psychiatry;

1 (2) Approved dental specialty means general practice,
2 pediatric dentistry, and oral surgery;

3 (3) Commission means the Nebraska Rural Health Advisory
4 Commission;

5 ~~(3)~~ (4) Department means the Department of Health and
6 Human Services;

7 ~~(4)~~ (5) Full-time practice means a minimum of forty hours
8 per week;

9 ~~(5)~~ (6) Health care means both somatic and mental health
10 care services;

11 ~~(6)~~ (7) Office means the Office of Rural Health;

12 ~~(7)~~ (8) Qualified educational debts means government and
13 commercial loans obtained by students for postsecondary education
14 tuition, other educational expenses, and reasonable living
15 expenses, as determined by the department, but does not include
16 loans received under the act or the Nebraska Medical Student
17 Assistance Act; and

18 ~~(8)~~ (9) Rural means located within any county in Nebraska
19 having a population of less than fifteen thousand inhabitants and
20 not included within a metropolitan statistical area as defined by
21 the United States Department of Commerce, Bureau of the Census.

22 Sec. 4. Section 71-5662, Revised Statutes Supplement,
23 1998, is amended to read:

24 71-5662. (1) To be eligible for a student loan under the
25 Rural Health Systems and Professional Incentive Act, an applicant
26 or a recipient shall be enrolled or accepted for enrollment in an
27 accredited medical or dental education program or physician
28 assistant education program in Nebraska.

1 (2) To be eligible for loan repayment under the act, an
2 applicant or a recipient shall be a pharmacist, a dentist, a
3 physical therapist, an occupational therapist, a mental health
4 practitioner, a nurse practitioner, a physician assistant, or a
5 physician in an approved specialty and shall be licensed or
6 certified to practice in Nebraska, not be enrolled in a residency
7 program, and enter practice in a designated health profession
8 shortage area in Nebraska.

9 Sec. 5. Section 71-5663, Revised Statutes Supplement,
10 1998, is amended to read:

11 71-5663. (1) The amount of financial assistance provided
12 through student loans pursuant to the Rural Health Systems and
13 Professional Incentive Act shall be limited to ~~ten~~ twenty thousand
14 dollars for each recipient for each academic year and shall not
15 exceed ~~forty~~ eighty thousand dollars per medical or dental student
16 or twenty thousand dollars per physician assistant student.

17 (2) The amount of financial assistance provided by the
18 state through loan repayments pursuant to the act (a) for
19 physicians, dentists, and clinical psychologists shall be limited
20 to ten thousand dollars per recipient per year of full-time
21 practice in a designated health profession shortage area and shall
22 not exceed thirty thousand dollars per recipient and (b) for
23 physician assistants, nurse practitioners, pharmacists, ~~dentists,~~
24 physical therapists, occupational therapists, and master's level
25 mental health professionals shall be limited to five thousand
26 dollars per recipient per year of full-time practice in a
27 designated health profession shortage area and shall not exceed
28 fifteen thousand dollars per recipient.

1 Sec. 6. Section 71-5668, Revised Statutes Supplement,
2 1998, is amended to read:

3 71-5668. Each loan repayment recipient shall execute an
4 agreement with the department and a local entity. Such agreement
5 shall include, at a minimum, the following terms:

6 (1) The loan repayment recipient agrees to practice his
7 or her profession, and a physician or dentist also agrees to
8 practice an approved specialty, in a designated health profession
9 shortage area for at least three years and to accept medicaid
10 patients in his or her practice;

11 (2) In consideration of the agreement by the recipient,
12 the State of Nebraska and a local entity within the designated
13 health profession shortage area will provide equal funding for the
14 repayment of the recipient's qualified educational debts, in
15 amounts up to ten thousand dollars per year per recipient for
16 physicians, dentists, and clinical psychologists and up to five
17 thousand dollars per year per recipient for physician assistants,
18 nurse practitioners, pharmacists, ~~dentists~~, physical therapists,
19 occupational therapists, and master's level mental health
20 professionals toward qualified educational debts for up to three
21 years. The department shall make payments directly to the
22 recipient; and

23 (3) If the loan repayment recipient discontinues practice
24 in the shortage area prior to completion of the three-year
25 requirement, the recipient shall repay to the state one hundred
26 twenty-five percent of the total amount of funds provided to the
27 recipient for loan repayment. Upon repayment by the recipient to
28 the department, the department shall reimburse the local entity its

LB 1212

LB 1212

1 share of the funds.

2 Sec. 7. Original sections 71-3515.02 and 71-5652,
3 Reissue Revised Statutes of Nebraska, and sections 71-5653,
4 71-5662, 71-5663, and 71-5668, Revised Statutes Supplement, 1998,
5 are repealed.